

AMENDED IN ASSEMBLY AUGUST 24, 2000

AMENDED IN ASSEMBLY AUGUST 18, 2000

AMENDED IN SENATE MAY 1, 2000

SENATE BILL

No. 2032

Introduced by Senator Figueroa

February 25, 2000

An act to amend Sections 8000, 8005, 8030.2, 8030.4, 8030.6, and 8030.8 of the Business and Professions Code, relating to shorthand reporting, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 2032, as amended, Figueroa. Shorthand reporting.

Existing law establishes a Court Reporters Board of California which is responsible for regulating the practice of those engaged in shorthand reporting. Existing law also establishes the Transcript Reimbursement Fund to provide shorthand reporting services to low-income litigants by reimbursing applicants for the cost, as specified, of preparing transcripts. The moneys in the fund are derived from excess moneys in the Court Reporters' Fund and are continuously appropriated. Under existing law, the provisions creating the fund, the board, and enumerating some of the board's powers will become inoperative on July 1, 2001, and will be repealed January 1, 2002.

This bill would extend the operation of these provisions until July 1, 2005, would repeal them on January 1, 2006, and would make related changes.

By extending the operation of the Transcript Reimbursement Fund, a continuously appropriated fund, this bill would make an appropriation.

This bill would also incorporate additional changes in Sections 8030.4 and 8030.6 of the Business and Professions Code proposed by SB 449, to be operative only if that bill and this bill are enacted and become effective on or before January 1, 2001, and this bill is enacted last.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8000 of the Business and
2 Professions Code is amended to read:

3 8000. There is in the Department of Consumer Affairs
4 a Court Reporters Board of California, which consists of
5 five members, three of whom shall be public members
6 and two of whom shall be holders of certificates issued
7 under this chapter who have been actively engaged as
8 shorthand reporters within this state for at least five years
9 immediately preceding their appointment.

10 This section shall become inoperative on July 1, 2005,
11 and, as of January 1, 2006, is repealed, unless a later
12 enacted statute, which becomes effective on or before
13 January 1, 2006, deletes or extends the dates on which it
14 becomes inoperative and is repealed. The repeal of this
15 section renders the board subject to the review required
16 by Division 1.2 (commencing with Section 473), except
17 that the review shall be limited to only those unresolved
18 issues identified by the Joint Legislative Sunset Review
19 Committee.

20 SEC. 2. Section 8005 of the Business and Professions
21 Code is amended to read:

22 8005. The Court Reporters Board of California is
23 charged with the executive functions necessary for
24 effectuating the purposes of this chapter. It may appoint
25 committees as it deems necessary or proper. The board
26 may appoint, prescribe the duties, and fix the salary of an
27 executive officer. Except as provided by Section 159.5, the

1 board may also employ other employees as may be
2 necessary, subject to civil service and other provisions of
3 law.

4 This section shall become inoperative on July 1, 2005,
5 and, as of January 1, 2006, is repealed, unless a later
6 enacted statute, which becomes effective on or before
7 January 1, 2006, deletes or extends the dates on which it
8 becomes inoperative and is repealed.

9 The repeal of this section renders the board subject to
10 the review required by Division 1.2 (commencing with
11 Section 473), except that the review shall be limited to the
12 board's examination program.

13 SEC. 3. Section 8030.2 of the Business and Professions
14 Code is amended to read:

15 8030.2. (a) To provide shorthand reporting services
16 to low-income litigants in civil cases, who are unable to
17 otherwise afford those services, funds generated by fees
18 received by the board pursuant to subdivision (c) of
19 Section 8031 in excess of funds needed to support the
20 board's operating budget for the fiscal year in which a
21 transfer described below is made shall be used by the
22 board for the purpose of establishing and maintaining a
23 Transcript Reimbursement Fund. The Transcript
24 Reimbursement Fund shall be established by a transfer of
25 funds from the Court Reporters' Fund and shall be
26 maintained in an amount no less than three hundred
27 thousand dollars (\$300,000) for each fiscal year.

28 (b) All moneys held in the Court Reporters' Fund on
29 the effective date of this section in excess of the board's
30 operating budget for the 1996–97 fiscal year shall be used
31 as provided in subdivision (a).

32 (c) Refunds and unexpended funds that are
33 anticipated to remain in the Transcript Reimbursement
34 Fund at the end of the fiscal year shall be considered by
35 the board in establishing the fee assessment pursuant to
36 Section 8031 so that the assessment shall maintain the
37 Transcript Reimbursement Fund at the appropriate level
38 in the following fiscal year.

39 (d) The Transcript Reimbursement Fund is hereby
40 created in the State Treasury. Notwithstanding Section

1 13340 of the Government Code, moneys in the Transcript
2 Reimbursement Fund are continuously appropriated for
3 the purposes of this chapter.

4 (e) Applicants who have been reimbursed pursuant to
5 this chapter for services provided to litigants and who are
6 awarded court costs or attorneys' fees by judgment or by
7 settlement agreement, shall refund the full amount of
8 that reimbursement to the fund within 90 days of receipt
9 of the award or settlement.

10 (f) Subject to the limitations of this chapter, the board
11 shall maintain the fund at a level that is sufficient to pay
12 all qualified claims. To accomplish this objective, the
13 board shall utilize all refunds, unexpended funds, fees,
14 and any other moneys received by the board.

15 (g) Notwithstanding Section 16346 of the Government
16 Code, all unencumbered funds remaining in the
17 Transcript Reimbursement Fund as of June 29, 2001, shall
18 be transferred to the Court Reporters' Fund.

19 This section shall become inoperative on July 1, 2005,
20 and, as of January 1, 2006, is repealed, unless a later
21 enacted statute, that becomes operative on or before
22 January 1, 2006, deletes or extends the dates on which it
23 becomes inoperative and is repealed.

24 SEC. 4. Section 8030.4 of the Business and Professions
25 Code is amended to read:

26 8030.4. As used in this chapter:

27 (a) "Qualified legal services project" means a
28 nonprofit project incorporated and operated exclusively
29 in California that provides as its primary purpose and
30 function legal services without charge to indigent
31 persons, has a board of directors or advisory board
32 composed of both attorneys and consumers of legal
33 services, and provides for community participation in
34 legal services programming. Legal services projects
35 funded either in whole or in part by the Legal Services
36 Corporation or with Older Americans Act funds are
37 presumed to be qualified legal services projects for the
38 purposes of this chapter.

39 (b) "Qualified support center" means an incorporated
40 nonprofit legal services center, having an office or offices

1 in California, which office or offices provide legal services
2 or technical assistance without charge to qualified legal
3 services projects and their clients on a multicounty basis
4 in California. Support centers funded either in whole or
5 in part by the Legal Services Corporation or with Older
6 Americans Act funds are presumed to be qualified legal
7 services projects for the purposes of this chapter.

8 (c) “Other qualified project” means a nonprofit
9 organization formed for charitable or other public
10 purposes, not receiving funds from the Legal Services
11 Corporation or pursuant to the Older Americans Act,
12 which organization or association provides free legal
13 services to indigent persons.

14 (d) “Pro bono attorney” means any attorney, law firm,
15 or legal corporation, licensed to practice law in this state,
16 which undertakes without charge to the party the
17 representation of an indigent person, referred by a
18 qualified legal services project, qualified support center,
19 or other qualified project, in a case not considered to be
20 fee generating as defined in this chapter.

21 (e) “Applicant” means a qualified legal services
22 project, qualified support center, other qualified project,
23 or pro bono attorney applying to receive funds from the
24 Transcript Reimbursement Fund established by this
25 chapter. The term “applicant” shall not include persons
26 appearing pro se to represent themselves at any stage of
27 the case.

28 (f) “Indigent person” means either a person whose
29 income is 125 percent or less of the current poverty
30 threshold established by the Office of Management and
31 Budget of the United States, a disabled person whose
32 income after meeting medical and other
33 disability-related special expenses is 125 percent or less of
34 that current poverty threshold, or a person who receives
35 or is eligible to receive supplemental security income.

36 (g) “Fee-generating case” means any case or matter
37 which, if undertaken on behalf of an eligible client by an
38 attorney in private practice, reasonably may be expected
39 to result in payment of a fee for legal services from an
40 award to a client, from public funds, or from an opposing

1 party. A reasonable expectation as to payment of a legal
2 fee exists wherever a client enters into a contingent fee
3 agreement with his or her lawyer. If there is no
4 contingent fee agreement, a case is not considered fee
5 generating if adequate representation is deemed to be
6 unavailable because of the occurrence of any of the
7 following circumstances:

8 (1) Where the applicant has determined that referral
9 is not possible because of any of the following:

10 (A) The case has been rejected by the local lawyer
11 referral service, or if there is no such service, by two
12 private attorneys who have experience in the subject
13 matter of the case.

14 (B) Neither the referral service nor any lawyer will
15 consider the case without payment of a consultation fee.

16 (C) The case is of the type that private attorneys in the
17 area ordinarily do not accept, or do not accept without
18 prepayment of a fee.

19 (D) Emergency circumstances compel immediate
20 action before referral can be made, but the client is
21 advised that, if appropriate and consistent with
22 professional responsibility, referral will be attempted at
23 a later time.

24 (2) Where recovery of damages is not the principal
25 object of the case and a request for damages is merely
26 ancillary to an action for equitable or other nonpecuniary
27 relief; or inclusion of a counterclaim requesting damages
28 is necessary for effective defense or because of applicable
29 rules governing joinder of counterclaims.

30 (3) Where a court appoints an applicant or an
31 employee of an applicant pursuant to a statute or a court
32 rule or practice of equal applicability to all attorneys in
33 the jurisdiction.

34 (4) In any case involving the rights of a claimant under
35 a public supported benefit program for which
36 entitlement to benefit is based on need.

37 (h) "Legal Services Corporation" means the Legal
38 Services Corporation established under the Legal
39 Services Corporation Act of 1974, Public Law 93-355, as
40 amended.

(i) “Supplemental security income recipient” means an individual receiving or eligible to receive payments under Title XVI of the Social Security Act, Public Law 92-603, as amended, or payment under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(j) “Lawyer referral service” means a lawyer referral program authorized by the State Bar of California pursuant to the rules of professional conduct.

(k) “Older Americans Act” means the Older Americans Act of 1965, Public Law 89-73, as amended.

(l) “Rules of professional conduct” means those rules adopted by the State Bar pursuant to Sections 6076 and 6077.

(m) “Certified shorthand reporter” means a shorthand reporter certified pursuant to Article 3 (commencing with Section 8020) performing shorthand reporting services pursuant to Section 8017.

(n) “Case” means a single legal proceeding from its inception, through all levels of hearing, trial, and appeal, until its ultimate conclusion and disposition.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4.5. Section 8030.4 of the Business and Professions Code is amended to read:

8030.4. As used in this chapter:

(a) “Qualified legal services project” means a nonprofit project incorporated and operated exclusively in California that provides as its primary purpose and function legal services without charge to indigent persons, has a board of directors or advisory board composed of both attorneys and consumers of legal services, and provides for community participation in legal services programming. Legal services projects funded either in whole or in part by the Legal Services Corporation or with Older Americans Act funds are

1 presumed to be qualified legal services projects for the
2 purposes of this chapter.

3 (b) “Qualified support center” means an incorporated
4 nonprofit legal services center, having an office or offices
5 in California, which office or offices provide legal services
6 or technical assistance without charge to qualified legal
7 services projects and their clients on a multicounty basis
8 in California. Support centers funded either in whole or
9 in part by the Legal Services Corporation or with Older
10 Americans Act funds are presumed to be qualified legal
11 services projects for the purposes of this chapter.

12 (c) “Other qualified project” means a nonprofit
13 organization formed for charitable or other public
14 purposes, not receiving funds from the Legal Services
15 Corporation or pursuant to the Older Americans Act,
16 which organization or association provides free legal
17 services to indigent persons.

18 (d) “Pro bono attorney” means any attorney, law firm,
19 or legal corporation, licensed to practice law in this state,
20 which undertakes without charge to the party the
21 representation of an indigent person, referred by a
22 qualified legal services project, qualified support center,
23 or other qualified project, in a case not considered to be
24 fee generating as defined in this chapter.

25 (e) “Applicant” means a qualified legal services
26 project, qualified support center, other qualified project,
27 or pro bono attorney applying to receive funds from the
28 Transcript Reimbursement Fund established by this
29 chapter. ~~The term “applicant” shall not include persons~~
30 ~~appearing pro se to represent themselves at any stage of~~
31 ~~the case, whether or not the applicant is representing a~~
32 ~~person who appeared pro se at any other stage of the case.~~
33 “Applicant” also includes an unrepresented indigent
34 person.

35 (f) “Indigent person” means either a person whose
36 income is 125 percent or less of the current poverty
37 threshold established by the Office of Management and
38 Budget of the United States, a disabled person whose
39 income after meeting medical and other
40 disability-related special expenses is 125 percent or less of

1 that current poverty threshold, or a person who receives
2 or is eligible to receive supplemental security income.

3 (g) “Fee-generating case” means any case or matter
4 which, if undertaken on behalf of an eligible client by an
5 attorney in private practice, reasonably may be expected
6 to result in payment of a fee for legal services from an
7 award to a client, from public funds, or from an opposing
8 party. A reasonable expectation as to payment of a legal
9 fee exists wherever a client enters into a contingent fee
10 agreement with his or her lawyer. If there is no
11 contingent fee agreement, a case is not considered fee
12 generating if adequate representation is deemed to be
13 unavailable because of the occurrence of any of the
14 following circumstances:

15 (1) Where the applicant has determined that referral
16 is not possible because of any of the following:

17 (A) The case has been rejected by the local lawyer
18 referral service, or if there is no such service, by two
19 private attorneys who have experience in the subject
20 matter of the case.

21 (B) Neither the referral service nor any lawyer will
22 consider the case without payment of a consultation fee.

23 (C) The case is of the type that private attorneys in the
24 area ordinarily do not accept, or do not accept without
25 prepayment of a fee.

26 (D) Emergency circumstances compel immediate
27 action before referral can be made, but the client is
28 advised that, if appropriate and consistent with
29 professional responsibility, referral will be attempted at
30 a later time.

31 (2) Where recovery of damages is not the principal
32 object of the case and a request for damages is merely
33 ancillary to an action for equitable or other nonpecuniary
34 relief; or inclusion of a counterclaim requesting damages
35 is necessary for effective defense or because of applicable
36 rules governing joinder of counterclaims.

37 (3) Where a court appoints an applicant or an
38 employee of an applicant pursuant to a statute or a court
39 rule or practice of equal applicability to all attorneys in
40 the jurisdiction.

(4) In any case involving the rights of a claimant under a public supported benefit program for which entitlement to benefit is based on need.

(h) “Legal Services Corporation” means the Legal Services Corporation established under the Legal Services Corporation Act of 1974, Public Law 93-355, as amended.

(i) “Supplemental security income recipient” means an individual receiving or eligible to receive payments under Title XVI of the Social Security Act, Public Law 92-603, as amended, or payment under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(j) “Lawyer referral service” means a lawyer referral program authorized by the State Bar of California pursuant to the rules of professional conduct.

(k) “Older Americans Act” means the Older Americans Act of 1965, Public Law 89-73, as amended.

(l) “Rules of professional conduct” means those rules adopted by the State Bar pursuant to Sections 6076 and 6077.

(m) “Certified shorthand reporter” means a shorthand reporter certified pursuant to Article 3 (commencing with Section 8020) performing shorthand reporting services pursuant to Section 8017.

(n) “Case” means a single legal proceeding from its inception, through all levels of hearing, trial, and appeal, until its ultimate conclusion and disposition.

This section shall become inoperative on July 1, ~~2001~~ 2005, and, as of January 1, ~~2002~~ 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2002~~ 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 8030.6 of the Business and Professions Code is amended to read:

8030.6. The board shall disburse funds from the Transcript Reimbursement Fund for the costs, exclusive of per diem charges, of preparing either an original transcript and one copy thereof, or where appropriate, a copy of the transcript, of court or deposition proceedings,

1 or both, incurred as a contractual obligation between the
2 shorthand reporter and the applicant, for litigation
3 conducted in California. If no deposition transcript is
4 ordered, the board may reimburse the applicant or the
5 certified shorthand reporter designated in the
6 application for per diem costs. The rate of per diem for
7 depositions shall not exceed seventy-five dollars (\$75) for
8 a half day, or one hundred twenty-five dollars (\$125) for
9 a full day. In the event that a transcript is ordered within
10 one year of the date of the deposition, but subsequent to
11 the per diem having been reimbursed by the Transcript
12 Reimbursement Fund, the amount of the per diem shall
13 be deducted from the amount of transcript.
14 Reimbursement may be obtained through the following
15 procedures:

16 (a) The applicant or certified shorthand reporter shall
17 promptly submit to the board the certified shorthand
18 reporter's invoice for transcripts together with the
19 appropriate documentation as is required by this chapter.

20 (b) Except as provided in subdivision (c), the board
21 shall promptly determine if the applicant or the certified
22 shorthand reporter is entitled to reimbursement under
23 this chapter and shall make payment as follows:

24 (1) Regular customary charges for preparation of
25 original deposition transcripts and one copy thereof, or a
26 copy of the transcripts.

27 (2) Regular customary charges for expedited
28 deposition transcripts up to a maximum of two thousand
29 five hundred dollars (\$2,500) per case.

30 (3) Regular customary charges for the preparation of
31 original transcripts and one copy thereof, or a copy of
32 transcripts of court proceedings.

33 (4) Regular customary charges for expedited or daily
34 charges for preparation of original transcripts and one
35 copy thereof or a copy of transcripts of court proceedings.

36 (5) The charges may not include notary or handling
37 fees. The charges may include actual shipping costs and
38 exhibits, except that the cost of exhibits may not exceed
39 thirty-five cents (\$0.35) each or a total of thirty-five
40 dollars (\$35) per transcript.

1 (c) The maximum amount reimbursable by the fund
2 under subdivision (b) may not exceed twenty thousand
3 dollars (\$20,000) per case per year.

4 (d) If entitled, and funds are available, the board shall
5 forthwith disburse the appropriate sum to the applicant
6 or the certified shorthand reporter when documentation
7 as provided in subdivision (d) of Section 8030.8
8 accompanies the application. A notice shall be sent to the
9 recipient requiring the recipient to file a notice with the
10 court in which the action is pending stating the sum of
11 reimbursement paid pursuant to this section. The notice
12 filed with the court shall also state that if the sum is
13 subsequently included in any award of costs made in the
14 action, that the sum is to be ordered refunded by the
15 applicant to the Transcript Reimbursement Fund
16 whenever the sum is actually recovered as costs. The
17 court may not consider whether payment has been made
18 from the Transcript Reimbursement Fund in
19 determining the appropriateness of any award of costs to
20 the parties. The board shall also forthwith notify the
21 applicant that the reimbursed sum has been paid to the
22 certified shorthand reporter and shall likewise notify the
23 applicant of the duty to refund any of the sum actually
24 recovered as costs in the action.

25 (e) If not entitled, the board shall forthwith return a
26 copy of the invoice to the applicant and the designated
27 certified shorthand reporter together with a notice
28 stating the grounds for denial.

29 (f) The board shall complete its actions under this
30 subdivision within 30 days of receipt of the invoice and all
31 required documentation, including a completed
32 application.

33 (g) Applications for reimbursements from the fund
34 shall be filled on a first-come basis.

35 (h) Applications for reimbursement that cannot be
36 paid from the fund due to insufficiency of the fund for
37 that fiscal year shall be held over until the next fiscal year
38 to be paid out of the renewed fund.

39 This section shall become inoperative on July 1, 2005,
40 and, as of January 1, 2006, is repealed, unless a later

1 enacted statute, that becomes operative on or before
2 January 1, 2006, deletes or extends the dates on which it
3 becomes inoperative and is repealed.

4 *SEC. 5.5. Section 8030.6 of the Business and*
5 *Professions Code is amended to read:*

6 8030.6. The board shall disburse funds from the
7 Transcript Reimbursement Fund for the costs, exclusive
8 of per diem charges, of preparing either an original
9 transcript and one copy thereof, or where appropriate, a
10 copy of the transcript, of court or deposition proceedings,
11 or both, incurred as a contractual obligation between the
12 shorthand reporter and the applicant, for litigation
13 conducted in California. If no deposition transcript is
14 ordered, the board may reimburse the applicant or the
15 certified shorthand reporter designated in the
16 application for per diem costs. The rate of per diem for
17 depositions shall not exceed seventy-five dollars (\$75) for
18 a half day, or one hundred twenty-five dollars (\$125) for
19 a full day. In the event that a transcript is ordered within
20 one year of the date of the deposition, but subsequent to
21 the per diem having been reimbursed by the Transcript
22 Reimbursement Fund, the amount of the per diem shall
23 be deducted from the amount of transcript.
24 Reimbursement may be obtained through the following
25 procedures:

26 (a) The applicant or certified shorthand reporter shall
27 promptly submit to the board the certified shorthand
28 reporter's invoice for transcripts together with the
29 appropriate documentation as is required by this chapter.

30 (b) Except as provided in subdivision (c), the board
31 shall promptly determine if the applicant or the certified
32 shorthand reporter is entitled to reimbursement under
33 this chapter and shall make payment as follows:

34 (1) Regular customary charges for preparation of
35 original deposition transcripts and one copy thereof, or a
36 copy of the transcripts.

37 (2) Regular customary charges for expedited
38 deposition transcripts up to a maximum of two thousand
39 five hundred dollars (\$2,500) per case.

1 (3) Regular customary charges for the preparation of
2 original transcripts and one copy thereof, or a copy of
3 transcripts of court proceedings.

4 (4) Regular customary charges for expedited or daily
5 charges for preparation of original transcripts and one
6 copy thereof or a copy of transcripts of court proceedings.

7 (5) The charges may not include notary or handling
8 fees. The charges may include actual shipping costs and
9 exhibits, except that the cost of exhibits may not exceed
10 thirty-five cents (\$0.35) each or a total of thirty-five
11 dollars (\$35) per transcript.

12 (c) The maximum amount reimbursable by the fund
13 under subdivision (b) may not exceed twenty thousand
14 dollars (\$20,000) per case per year. *For an applicant who*
15 *appears pro se and is not represented by a qualified legal*
16 *services project, qualified support center, other qualified*
17 *project, or pro bono attorney, the maximum amount*
18 *reimbursable by the fund under subdivision (b) may not*
19 *exceed five thousand dollars (\$5,000) per year.*

20 (d) If entitled, and funds are available, the board shall
21 forthwith disburse the appropriate sum to the applicant
22 or the certified shorthand reporter when documentation
23 as provided in subdivision (d) of Section 8030.8
24 accompanies the application. A notice shall be sent to the
25 recipient requiring the recipient to file a notice with the
26 court in which the action is pending stating the sum of
27 reimbursement paid pursuant to this section. The notice
28 filed with the court shall also state that if the sum is
29 subsequently included in any award of costs made in the
30 action, that the sum is to be ordered refunded by the
31 applicant to the Transcript Reimbursement Fund
32 whenever the sum is actually recovered as costs. The
33 court may not consider whether payment has been made
34 from the Transcript Reimbursement Fund in
35 determining the appropriateness of any award of costs to
36 the parties. The board shall also forthwith notify the
37 applicant that the reimbursed sum has been paid to the
38 certified shorthand reporter and shall likewise notify the
39 applicant of the duty to refund any of the sum actually
40 recovered as costs in the action.

1 (e) If not entitled, the board shall forthwith return a
2 copy of the invoice to the applicant and the designated
3 certified shorthand reporter together with a notice
4 stating the grounds for denial.

5 (f) The board shall complete its actions under this
6 subdivision within 30 days of receipt of the invoice and all
7 required documentation, including a completed
8 application.

9 (g) Applications for reimbursements from the fund
10 shall be filled on a first-come basis.

11 (h) Applications for reimbursement that cannot be
12 paid from the fund due to insufficiency of the fund for
13 that fiscal year shall be held over until the next fiscal year
14 to be paid out of the renewed fund.

15 This section shall become inoperative on July 1, ~~2001~~
16 2005, and, as of January 1, ~~2002~~ 2006, is repealed, unless a
17 later enacted statute, that becomes operative on or
18 before January 1, ~~2002~~ 2006, deletes or extends the dates
19 on which it becomes inoperative and is repealed.

20 SEC. 6. Section 8030.8 of the Business and Professions
21 Code is amended to read:

22 8030.8. (a) For purposes of this chapter,
23 documentation accompanying an invoice is sufficient to
24 establish entitlement for reimbursement from the
25 Transcript Reimbursement Fund if it is filed with the
26 executive officer on an application form prescribed by
27 the board that is complete in all respects, and that
28 establishes all of the following:

29 (1) The case name and number and that the litigant or
30 litigants requesting the reimbursement are indigent
31 persons.

32 (2) The applicant is qualified under the provisions of
33 this chapter.

34 (3) The case is not a fee-generating case, as defined in
35 Section 8030.4.

36 (4) The invoice or other documentation shall evidence
37 that the certified shorthand reporter to be reimbursed
38 was, at the time the services were rendered, a duly
39 licensed certified shorthand reporter.

1 (5) The invoice shall be accompanied by a statement,
2 signed by the applicant, stating that the charges are for
3 transcripts actually provided as indicated on the invoice.

4 (6) The applicant has acknowledged, in writing, that
5 as a condition of entitlement for reimbursement that the
6 applicant agrees to refund the entire amount disbursed
7 from the Transcript Reimbursement Fund from any costs
8 or attorneys' fees awarded to the applicant by the court
9 or provided for in any settlement agreement in the case.

10 (7) The certified shorthand reporter's invoice for
11 transcripts shall include separate itemizations of charges
12 claimed, as follows:

13 (A) Total charges and rates for customary services in
14 preparation of an original transcript and one copy or a
15 copy of the transcript of depositions.

16 (B) Total charges and rates for expedited deposition
17 transcripts.

18 (C) Total charges and rates in connection with
19 transcription of court proceedings.

20 (b) For an applicant claiming to be eligible pursuant
21 to subdivision (a), (b), or (c) of Section 8030.4, a letter
22 from the director of the project or center, certifying that
23 the project or center meets the standards set forth in one
24 of those subdivisions and that the litigant or litigants are
25 indigent persons, is sufficient documentation to establish
26 eligibility.

27 (c) For an applicant claiming to be eligible pursuant
28 to subdivision (d) of Section 8030.4, a letter certifying that
29 the applicant meets the requirements of that subdivision,
30 that the case is not a fee-generating case, as defined in
31 subdivision (g) of Section 8030.4, and that the litigant or
32 litigants are indigent persons, together with a letter from
33 the director of a project or center defined in subdivision
34 (a), (b), or (c) of Section 8030.4 certifying that the
35 litigant or litigants had been referred by that project or
36 center to the applicant, is sufficient documentation to
37 establish eligibility.

38 (d) The applicant may receive reimbursement
39 directly from the board when the applicant has
40 previously paid the certified shorthand reporter for

1 transcripts as provided in Section 8030.6. To receive
2 payment directly, the applicant shall submit, in addition
3 to all other required documentation, an itemized
4 statement signed by the certified shorthand reporter
5 performing the services that describes payment for
6 transcripts in accordance with the requirements of
7 Section 8030.6.

8 (e) The board may prescribe appropriate forms to be
9 used by applicants and certified reporters to facilitate
10 these requirements.

11 (f) This chapter does not restrict the contractual
12 obligation or payment for services, including, but not
13 limited to, billing the applicant directly, during the
14 pendency of the claim.

15 This section shall become inoperative on July 1, 2005,
16 and, as of January 1, 2006, is repealed, unless a later
17 enacted statute, that becomes operative on or before
18 January 1, 2006, deletes or extends the dates on which it
19 becomes inoperative and is repealed.

20 *SEC. 7. Section 4.5 of this bill incorporates*
21 *amendments to Section 8030.4 of the Business and*
22 *Professions Code proposed by both this bill and SB 449. It*
23 *shall only become operative if (1) both bills are enacted*
24 *and become effective on or before January 1, 2001, (2)*
25 *each bill amends Section 8030.4 of the Business and*
26 *Professions Code, and (3) this bill is enacted after SB 449,*
27 *in which case Section 4 of this bill shall not become*
28 *operative.*

29 *SEC. 8. Section 5.5 of this bill incorporates*
30 *amendments to Section 8030.6 of the Business and*
31 *Professions Code proposed by both this bill and SB 449. It*
32 *shall only become operative if (1) both bills are enacted*
33 *and become effective on or before January 1, 2001, (2)*
34 *each bill amends Section 8030.6 of the Business and*
35 *Professions Code, and (3) this bill is enacted after SB 449,*
36 *in which case Section 5 of this bill shall not become*
37 *operative.*

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